

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,
vs.

MICHAEL CODY WOLF,

Defendant.

CR-18-67-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 25, 2021. (Doc. 48.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 23, 2021. (Doc.

43.) The United States accused Wolf of violating his conditions of supervised release 1) by using methamphetamine; 2) by failing to report to his probation officer as directed; 3) by failing to take all medications prescribed by his physician; and 4) by failing to report for substance abuse treatment. (Doc. 40.)

At the revocation hearing, Wolf admitted that he had violated the conditions of his supervised 1) by using methamphetamine; 2) by failing to report to his probation officer as directed; 3) by failing to take all medications prescribed by his physician; and 4) by failing to report for substance abuse treatment. (Doc. 43.)

Judge Johnston found that the violation Wolf admitted proved to be serious and warranted revocation, and recommended that Wolf receive a custodial sentence of 1 month, with 35 months of supervised release to follow. He also recommended that Wolf serve the first 75 days of supervised release at Passages in Billings, Montana. Wolf should serve up to the next 180 days of supervised release at a residential re-entry center, as directed by his probation officer. (Doc 48.) Wolf was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 43.) The violations prove serious and warrant revocation of Wolf's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 48) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Michael Cody Wolf be sentenced to the custody of the United States Bureau of Prisons for 1 month, with 35 months supervised release to follow with the first 75 days of supervised release at Passages in Billings, Montana and the up to the next 180 days of supervised release at a residential re-entry center as directed by his probation officer.

DATED this 9th day of March, 2021.

A handwritten signature in blue ink that reads "Brian Morris".

Brian Morris, Chief District Judge
United States District Court

